

required by law to appear on the label, namely, the common or usual name of each active ingredient, was not prominently placed thereon in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use since the label failed to reveal which of the ingredients listed were therapeutically or physiologically active.

DISPOSITION: April 2, 1952. The consignee having appeared and filed a response which was in the nature of a waiver, judgment of condemnation was entered and the court ordered that the product be destroyed.

3758. Misbranding of Mer-I-Col iron tonic. U. S. v. 202 Bottles, etc. (F. D. C. No. 32543. Sample No. 10487-L.)

LIBEL FILED: February 25, 1952, Eastern District of Michigan; amended libel filed March 27, 1952.

ALLEGED SHIPMENT: On or about January 9, 1952, by the National Mer-I-Col Sales Co., from Columbus, Ohio.

PRODUCT: 202 8-ounce bottles and 34 1-pint bottles of *Mer-I-Col iron tonic* at Pontiac, Mich.

LABEL, IN PART: (Bottle) "Mer-I-Col Iron Tonic Active Ingredients Iron and Ammonium Citrates, Gentian Root, Thiamine Hydrochloride and a trace of Copper Sulfate (Iron Catalyst)."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in the tear sheets from a local newspaper, were false and misleading. The statements represented and suggested that the article was an adequate and effective treatment for rheumatism, arthritis, neuritis, headaches, nervousness, acids, toxins, bloating, lack of vitality and energy, poor appetite, underweight, dizzy spells, indigestion, gas on stomach, dyspepsia, intense pain in the stomach and chest, wild heart palpitation, loss of weight, tissue, and strength, sour stomach, cramps, spitting up bits of half digested food and hot sour liquid, biliousness, sick headaches that last for days, constipation, yellowish complexion, painful, heavy, bloated feeling in lower stomach, worn-out feeling, sleeplessness, neuralgia and similar aches and pains, sharp pains over kidneys, frequent getting up nights, spots before the eyes, swelling of ankles, feet, and lower limbs, swollen capillary tubes, dull achy feeling across back, stiffness in the back and lower limbs, puffs or dark circles beneath the eyes, agonizing aches and pains, stomach disorders, weak kidneys, excess acid, infections, and aches and pains in arms, shoulders, fingers, hands, back, wrists, hips, and knees. The product was not an effective treatment for these diseases.

DISPOSITION: April 2, 1952. Default decree of condemnation and destruction.

DRUGS FOR VETERINARY USE

3759. Adulteration and misbranding of Magnatone Supplement. U. S. v. 28 Bags * * *. (F. D. C. No. 31952. Sample No. 10160-L.)

LIBEL FILED: October 31, 1951, Eastern District of Michigan.

ALLEGED SHIPMENT: On or about June 21, 1951, by Magnatonic Products, Inc., from New Knoxville, Ohio.

PRODUCT: 28 50-pound bags of *Magnatone Supplement* at Hudson, Mich. Analysis disclosed that the product contained not more than one-half of the declared amounts of vitamins A and D.

LABEL, IN PART: (Bag) "Magnatone Supplement Minerals Vitamins for the Dairy Herd * * * Vitamin A (Carotene from Carrot Oil) 25,000 U. S. P. Units per lb., Vitamin D₂ (Irradiated Ergosterol * * * 10,000 U. S. P. Units per lb. * * * Ingredients Cottonseed Oil Meal; Linseed Oil Meal; Soybean Oil Meal, Dehydrated Alfalfa Meal; Distillers Solubles; Carrot Oil, Irradiated Ergosterol; Thiamine Chloride; Riboflavin; Nicotinic Acid; Calcium Carbonate; Steamed Bone Meal; Di-Calcium Phosphate; Tri-Calcium Phosphate (from defluorinated rock phosphate); Magnesium Carbonate; Magnesium Sulfate; Manganese Sulfate; Copper Sulfate; Iron Oxide; Zinc Sulfate; Potassium Iodide; Sodium Chloride (Salt); Cobalt Sulfate and Sodium Tetraborate."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the labeling of the article, namely, in accompanying booklets entitled "Magnatone Bulletin Volume 1," "Magnatone Health Products," and "The Magnatone Health Program," were false and misleading. The statements represented and suggested that the article was effective to prevent starvation and thereby assure completion of a normal life cycle, barring unnatural climatic conditions and accidents; to give vibrant health and full stamina and endurance; to confer disease resistance and perfect health; to remedy most livestock diseases, including mastitis, white scours of calves, shy breeding, and many other familiar disorders erroneously stated to be due to starvation; to condition quickly and rehabilitate the herd; to remedy anorexia (depressed appetite) and pneumonia; to revitalize quickly the digestive and metabolic systems of animals to operate at maximum capacity and efficiency; to assure freedom from disease and resistance to infections; to remedy injury to the nervous system; to insure against failure to grow; to treat yellow liver and anemia; to prevent death; to remedy fatty liver, cirrhosis of the liver, and disturbance of lactation and growth; to influence favorably production and growth of animals; to prevent sterility in animals of both sexes; and to effect phenomenal increases in milk production. The statements further represented that the article was effective against convulsions, kidney degeneration, sterility, abortions, birth of dead or weak calves, bone diseases, and paralysis. The article was not effective for the purposes represented.

The article was alleged also to be adulterated under the provisions of the law applicable to foods, as reported in notices of judgment on foods.

DISPOSITION: January 25, 1952. Default decree of condemnation. The court ordered that the product be delivered to a Federal institution, for use as animal feed.

In attempting to execute the order of the court, the United States marshal found that the product under seizure had been returned to the State of Ohio, where it was fed to animals. Upon submission of these facts to the court, an order was entered on June 19, 1952, dismissing the libel.

3760. Misbranding of veterinary products. U. S. v. 22 Packages, etc. (F. D. C. No. 32548. Sample Nos. 29279-L to 29286-L, incl., 29290-L.)

LIBEL FILED: February 26, 1952, Eastern District of Washington.

ALLEGED SHIPMENT: On or about August 7 and November 19, 1946, September 3, 1947, June 23 and October 21, 1948, May 26, August 12, and November 13, 1950, January 18, March 22, and July 23, 1951, and other dates unknown, by the C. U. McClellan Laboratories Corp., from Los Angeles, Calif.